Remarks

Claims 31-36, 38-43, 50, 53-63, 108, and 109 are pending in the subject application. By this Amendment, Applicant has canceled claims 33, 34, 38-43, and 59-62, amended claims 54 and 109, and added new claims 110-121. Support for the new claims and amendments can be found throughout the subject specification and in the claims pending and as originally filed. Applicant respectfully submits that the amendments presented herein will require no further search or examination on the part of the Examiner and does not constitute new matter. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 31, 32, 35, 36, 50, 53-58, 63, and 108-121 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicant gratefully acknowledges the Examiner's indication that claims 32, 38-43, 53, 54, and 63 are free of the prior art.

Claims 33, 34, 59-62, and 109 are rejected under 35 USC §112, second paragraph, as indefinite. The Examiner asserts that language in the claims (*e.g.*, "said FIV virus or said FIV-infected cell," "said FIV envelope glycoprotein," *etc.*) lacks antecedent basis in claim 32. Applicant gratefully acknowledges the Examiner's careful review of the claims. By this Amendment, Applicant has canceled claims 33, 34, 38-43, and 59-62 and replaced them with new claims 110-121. In addition, claim 109 has been amended to replace "glycoprotein" with "protein." Applicant respectfully asserts that amended claim 109 and new claims 110-121 obviate the lack of antecedent basis. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

Claims 31, 35, 36, 50, 55-58, and 108 are rejected under 35 USC §112, first paragraph, as nonenabled by the subject specification. The Examiner maintains that the specification, while being enabling for a vaccine composition that induces a protective immune response against two or more subtypes of FIV, wherein the composition comprises an effective amount of an FIV immunogen that minimally includes the FIV envelope glycoprotein, does not enable those vaccine embodiments that do not include envelope glycoprotein from at least two different FIV subtypes. Applicant respectfully maintains that the subject application enables vaccine compositions for <u>all</u> FIV immunogens and is not limited to FIV envelope glycoprotein.

In Applicant's previous Amendment (dated September 26, 2006), Applicant submitted the Coleman *et al.* (2005) publication as evidence that vaccine compositions other than FIV envelope glycoprotein have efficacy against FIV infection. The Examiner indicates in the instant Office Action that the Coleman *et al.* publication is limited to HIV immunogens. However, contrary to the Examiner's assertion, the Coleman *et al.* publication teaches the use of FIV immunogens, including FIV p24 protein (see, for example, pages 1458-1460, including Tables 1 and 2, study groups 2-2 and 2-3, of the Coleman *et al.* publication).

Applicant also asserts that the patents submitted with the Amendment dated September 26, 2006, *i.e.,* U.S. Patent Nos. 5,820,869; 5,989,562; 5,833,993; and EPO Patent No. EP 956360, are relevant in regard to the issue of enablement of the claimed invention. The '869 and '562 patents show use of *gag* gene products to prevent and treat FIV infection (see, for example, claims 1, 3, 8, and 12 of the '562 patent, and column 14, lines 16-23, of the '869 patent). The '993 patent shows that a combination of *env* and *gag* gene products provided protection against FIV infection (see, for example, "Example 2" at column 13, line 46 through to column 14, line 58, and particularly the "Results" at lines 50-58). The EPO '360 patent shows that *gag* and *pro* gene products provided protection from infection by FIV (see, for example, Table 3 of the EPO '360 patent). Contrary to the Examiner's position, all of these publications are relevant because they show that the use of FIV immunogens other than FIV envelope protein can induce an immunogenic response. Under this rejection, and in response to Applicant's remarks submitted in the Amendment dated September 26, 2006, the Examiner states in the instant Office Action that "None of these references relate to the instant claims that are drawn to protein vaccines comprised [sic] FIV immunogens for use against FIV infection." (emphasis added). In making this rejection, the Examiner is incorporating a limitation ("protein vaccines") that is **not** present in Applicant's claims. Most of Applicant's claims, including independent claim 31, are **not** limited to a protein immunogen. Therefore, the Examiner's reasons for rejection are not relevant to the claimed invention. As an aside, Applicant notes that the Coleman *et al.* publication does teach the use of protein-based FIV immunogens; thus, Applicant has provided evidence directly relevant to protein-based vaccines.

In view of the above remarks, reconsideration and withdrawal of the rejection under 35 USC §112, first paragraph, is respectfully requested.

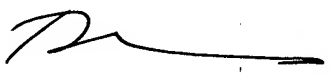
It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicant's agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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